

**United States District Court
Eastern District of Wisconsin (Milwaukee)
CIVIL DOCKET FOR CASE #: 2:18-cv-00088-WED**

Curran v. United States Postal Service
Assigned to: Magistrate Judge William E Duffin
Cause: 05:552 Freedom of Information Act

Date Filed: 01/17/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Kenneth P Curran**

represented by **April Rockstead Barker**
Schott Bublitz & Engel SC
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Brookfield, WI 53005
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ATTORNEY TO BE NOTICED

V.

Defendant**United States Postal Service**

represented by **Christian R Larsen**
United States Department of Justice
(ED-WI)
Office of the US Attorney
517 E Wisconsin Ave – Rm 530
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Date Filed	#	Docket Text
01/17/2018	<u>1</u>	COMPLAINT against United States Postal Service by Kenneth P. Curran. (Filing Fee PAID \$400 receipt number 0757-2750971) (Attachments: # <u>1</u> Exhibit Complaint to OIG, # <u>2</u> Exhibit E-mail message from Congressman Pocan's office, # <u>3</u> Exhibit OIG Audit Report, # <u>4</u> Exhibit FOIA Request, # <u>5</u> Exhibit Response to FOIA Request, # <u>6</u> Exhibit Appeal letter, # <u>7</u> Exhibit Response to Appeal)(Barker, April) (Additional attachment(s) added on 1/17/2018: # <u>8</u> Civil Cover Sheet) (amb).
01/17/2018	<u>2</u>	REQUEST for Issuance of Summons by Kenneth P. Curran (Barker, April)
01/17/2018		NOTICE Regarding assignment of this matter to Judge J P Stadtmueller; Consent/refusal forms for Magistrate Judge Duffin to be filed within 21 days; the consent/refusal form is available on our website; pursuant to Civil Local Rule 7.1 a disclosure statement is to be filed upon the first filing of any paper and should be filed now if not already filed. (lfs)
01/23/2018	<u>3</u>	DISCLOSURE Statement by Kenneth P Curran. (Barker, April)
01/23/2018		Summons Issued as to United States Postal Service. (asc)
01/23/2018	<u>4</u>	Consent to Jurisdiction by US Magistrate Judge by Kenneth P Curran. (Barker, April)
03/13/2018	<u>5</u>	Consent to Jurisdiction by US Magistrate Judge by United States Postal Service. (Larsen, Christian)
03/13/2018	<u>6</u>	ORDER REASSIGNING CASE ON CONSENT signed by Judge J.P. Stadtmueller on 3/13/2018. Case reassigned to Magistrate Judge William E. Duffin for all further

		proceedings. Judge J.P. Stadtmueller no longer assigned to case. (cc: all counsel)(jm)
03/13/2018	<u>7</u>	MOTION for Extension of Time to File Answer <i>or Other Responsive Pleading</i> by United States Postal Service. (Attachments: # <u>1</u> Text of Proposed Order)(Larsen, Christian)
03/20/2018		TEXT ONLY ORDER signed by Magistrate Judge William E Duffin on 3/20/2018. The defendant's motion for an extension of time (ECF No. <u>7</u>) is granted. The defendant shall answer or otherwise respond to the complaint no later than May 4, 2018. (cc: all counsel) (lz)
04/17/2018	<u>8</u>	Return of Service of Complaint by Certified Mail by Kenneth P Curran served upon Attorney General of the United States on March 3, 2018 (Barker, April)
04/17/2018	<u>9</u>	Return of Service of Complaint by Certified Mail by Kenneth P Curran served upon United States Postal Service on March 3, 2018 (Barker, April)
04/17/2018	<u>10</u>	Return of Service of Complaint by Certified Mail by Kenneth P Curran served upon Civil-Process Clerk, U.S. Attorneys' Office on March 3, 2018 (Barker, April)
04/17/2018	<u>11</u>	Return of Service of Complaint by Certified Mail by Kenneth P Curran served upon Attorney General of the United States on April 4, 2018 (Barker, April)
04/17/2018	<u>12</u>	Return of Service of Complaint by Certified Mail by Kenneth P Curran served upon Civil Process Clerk, U.S. Attorneys' Office on April 4, 2018 (Barker, April)
04/17/2018	<u>13</u>	Return of Service of Complaint by Certified Mail by Kenneth P Curran served upon United States Postal Service on April 4, 2018 (Barker, April)
05/04/2018	<u>14</u>	<i>Defendant's</i> ANSWER to <u>1</u> Complaint,, and <i>Affirmative Defenses</i> by United States Postal Service.(Larsen, Christian)
05/08/2018	<u>15</u>	NOTICE of Hearing: Rule 16 Telephonic Scheduling Conference set for 5/23/2018 at 09:30 AM before Magistrate Judge William E Duffin. The parties shall call the court's conference line at 888-278-0296 and use access code 8322317# to join the call. Rule 26(f) report shall be electronically filed with the court no later than May 18, 2018. (cc: all counsel)(lz)
05/08/2018	<u>16</u>	LETTER from Attorney Barker <i>regarding request for rescheduling</i> . (Barker, April)
05/15/2018		RESET Deadlines/Hearings: Rule 16 Telephonic Scheduling Conference RESET for 6/5/2018 at 09:30 AM before Magistrate Judge William E Duffin. The parties shall call the court's conference line at 888-278-0296 and use access code 8322317# to join the call. Rule 26(f) report shall be electronically filed with the court no later than 6/1/2018. (lz)
05/16/2018	<u>17</u>	<i>Joint</i> REPORT of Rule 26(f) Plan by United States Postal Service. (Larsen, Christian)
06/05/2018	<u>18</u>	Minute Entry for Rule 16 Telephonic Scheduling Conference held on 6/5/2018 before Magistrate Judge William E Duffin. Court will issue an Order with deadlines. (Tape #9:30:41-9:32:29; 9:39:40-9:50:00) (mlm) (Entered: 06/06/2018)
06/06/2018	<u>19</u>	SCHEDULING ORDER signed by Magistrate Judge William E Duffin on 6/5/2018. The defendant's submission addressing whether the defendant properly withheld documents responsive to a Freedom of Information Act (FOIA) request shall be filed on or before August 1, 2018, along with the Vaughn Index. Plaintiff's response to the defendant's submission is due within 30 days of receipt of the defendant's submission. Defendant shall reply no later than 14 days after receipt of the plaintiff's response. (cc: all counsel)(mlm)
08/01/2018	<u>20</u>	MOTION for Summary Judgment by United States Postal Service. (Larsen, Christian)
08/01/2018	<u>21</u>	BRIEF in Support filed by United States Postal Service re <u>20</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Exhibit A – Vaughn Index)(Larsen, Christian)
08/23/2018	<u>22</u>	MOTION for Extension of Time <i>to File and Serve a Response to Defendant's Motion for Summary Judgment</i> by Kenneth P Curran. (Attachments: # <u>1</u> Affidavit Declaration of April Rockstead Barker, # <u>2</u> Text of Proposed Order Proposed Order)(Barker, April)

08/24/2018	<u>23</u>	TEXT ONLY ORDER signed by Magistrate Judge William E Duffin on 8/24/2018. The court finding good cause, the plaintiff's motion for an extension of time (ECF No. <u>22</u>) is granted. The plaintiff shall respond to the defendant's motion for summary judgment no later than September 6, 2018. The defendant may reply no later than September 20, 2018. (cc: all counsel) (lz)
09/06/2018	<u>24</u>	BRIEF in Opposition filed by Kenneth P Curran re <u>20</u> MOTION for Summary Judgment . (Attachments: # <u>1</u> Affidavit Declaration of Kenneth Curran, # <u>2</u> Affidavit Declaration of April Rockstead Barker)(Barker, April)
09/06/2018	<u>25</u>	MOTION For In Camera Review of Records by Kenneth P Curran. (Barker, April)
09/14/2018	<u>26</u>	MOTION LETTER FOR EXTENSION OF TIME from Chris R Larsen <i>requesting an extension of time to file Defendant's Reply</i> . (Larsen, Christian) Modified on 9/14/2018 (lz).
09/18/2018	<u>27</u>	TEXT ONLY ORDER signed by Magistrate Judge William E Duffin on 9/18/2018. The United States Postal Service's motion for an extension of time (ECF No. <u>26</u>) is granted. The United States Postal Service's reply re <u>20</u> MOTION for Summary Judgment is due no later than October 4, 2018. (cc: all counsel) (lz)
10/03/2018	<u>28</u>	REPLY BRIEF in Support filed by United States Postal Service re <u>20</u> MOTION for Summary Judgment and RESPONSE BRIEF re <u>25</u> MOTION For In Camera Review of Records . . (Attachments: # <u>1</u> Supplement Karantsalis v. US Dept. of Education)(Larsen, Christian) Modified on 10/3/2018 (lz).
10/03/2018	<u>29</u>	DECLARATION of Gary M. Kaiser (Larsen, Christian)
10/03/2018	<u>30</u>	DECLARATION of Deborah S. Woodrum (Larsen, Christian)
10/08/2018	<u>31</u>	MOTION to File <i>Sur-Reply Memorandum</i> by Kenneth P Curran. (Attachments: # <u>1</u> Supplement [Proposed] Sur-Reply Memorandum)(Barker, April)
10/09/2018	<u>32</u>	LETTER from Chris R. Larsen <i>regarding documents for in camera inspection</i> . CONFIDENTIAL DISC submitted for IN CAMERA INSPECTION – FOR COURT'S EYES ONLY (Larsen, Christian) Modified on 10/10/2018 (lz).
10/12/2018	<u>33</u>	TEXT ONLY ORDER signed by Magistrate Judge William E Duffin on 10/12/2018. The court finding good cause, the plaintiff's motion to file a sur-reply (ECF No. <u>31</u>) is granted. The Clerk shall docket the plaintiff's proposed sur-reply (ECF No. 31-1) as the plaintiff's sur-reply. (cc: all counsel) (lz)
10/12/2018	<u>34</u>	SUR-REPLY filed by Kenneth P Curran re <u>20</u> MOTION for Summary Judgment . (lz)
02/01/2019		NOTICE of Hearing on <u>20</u> MOTION for Summary Judgment: Telephonic Conference set for 2/6/2019 at 09:30 AM before Magistrate Judge William E Duffin. The participants shall call the court's conference line at 888-278-0296 and use access code 8322317# to join the call. The parties do not need to prepare for oral arguments. Judge Duffin has a few questions to ask of counsel. (cc: all counsel)(lz)
02/06/2019	<u>35</u>	Minute Entry for proceedings held before Magistrate Judge William E Duffin: Motion Hearing held on 2/6/2019 re <u>20</u> MOTION for Summary Judgment filed by United States Postal Service. Discussion regarding outcome of case when court rules on the defendant's motion. Order to issue shortly. (Tape #9:31:16 – 9:50:40 am) (lz)
02/06/2019	<u>36</u>	DECISION AND ORDER signed by Magistrate Judge William E Duffin on 2/6/2019 granting <u>25</u> Plaintiff Kenneth P Curran's Motion for <i>in camera review</i> of records; granting in part and denying in part <u>20</u> Defendant United States Postal Service's (USPS) Motion for Summary Judgment. USPS's motion is granted with regard to all records relating to the investigation and discipline of a maintenance manager at the Madison Processing and Distribution Center (ECF No. 21-1, Bates Range 001-110, 238-253), and denied with regard to internet usage records and supervisory observation logs (ECF No. 21-1, Bates Range, 111-237). Summary judgment is granted for Curran as it relates to all maintenance department employees' internet usage records and the supervisor observation logs (ECF No. 21-1, Bates Range, 111-237), which documents are to be produced. (cc: all counsel) (lz)